

**REMARKS**

Claims 1-7 are pending in this application. Claims 1-7 stand rejected. In light of the remarks set forth below, Applicant respectfully requests reconsideration and withdrawal of the rejection and submits that each of the pending claims is in immediate condition for allowance.

Claims 1-5 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,011,973 ("Valentine"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

To anticipate a claim under 35 U.S.C. § 102, the cited reference must disclose every element of the claim, as arranged in the claim, and in sufficient detail to enable one skilled in the art to make and use the anticipated subject matter. See, PPG Industries, Inc. v. Guardian Industries Corp., 75 F.3d 1558, 1566 (Fed. Cir. 1996); C.R. Bard, Inc. v. M3 Sys., Inc., 157 F.3d 1340, 1349 (Fed. Cir. 1998). A reference that does not expressly disclose all of the elements of a claimed invention cannot anticipate unless all of the undisclosed elements are inherently present in the reference. See, Continental Can Co. USA v. Monsanto Co., 942 F.2d 1264, 1268 (Fed. Cir. 1991).

Independent claim 1 is directed to a mobile communication terminal having a GPS receiver that measures the exact position of said mobile communication terminal and an operation setting section that registers a plurality of operation settings corresponding to addresses. The claimed mobile communication terminal operates in one of three disclosed modes. In a first mode, an operation setting receiver receives information of an operation setting corresponding to an address from a management center. In a second mode, the mobile communication terminal retrieves a registered plurality of operation settings stored in the terminal itself. Finally, in a third mode, when an address of the mobile communication terminal does not exist in the management

center nor the mobile communication terminal, the operation is returned to a normal setting (initial setting) of said mobile communication terminal.

The Office Action asserts that all three modes of operation are disclosed in Valentine. Applicant respectfully disagrees. In Valentine, two embodiments are disclosed. In the first embodiment, cellular telephone 100 includes a memory that contains information regarding the allowability of operation in various locations. Controller 120 compares an ascertained geographical location with information contained in the memory to determine whether the cellular telephone is authorized to operate in its present geographical location. It should be noted that the information contained in the memory 150 can either be pre-programmed or it can be downloaded from a cellular telephone network 170 via base station 180. (See, column 2, lines 45-67.) In Valentine's second embodiment, the cellular telephone's locating device 130 determines the location of the cellular telephone and communicates the location to base station 180. The cellular telephone network access a database which contains information regarding the allowability of operation of cellular telephones in various geographic locations. The ascertained geographic location transmitted by the telephone to the network is compared with information contained in the database to determine whether the cellular telephone is allowed to operate in its current geographical location. Based on this determination, the base station transmits either an authorization signal allowing operation of the cellular telephone or a signal denying operation of the cellular telephone. (See, column 3, lines 4-21.) In addition to sending a signal denying operation of the cellular telephone, the base station also transmits a retransmission parameter indicating when the cellular telephone is allowed to transmit a new geographical location in order to receive authorization to operation in the future.

In each of Valentine's embodiments, there is never a situation where an operation setting does not exist both in the terminal and the management center and

the operation setting being returned to a normal setting (initial setting) of the mobile communication terminal. As discussed above, in the first embodiment, the operational setting is either stored in the telephone or downloaded from the base station. In the second embodiment, the mobile unit transmits its location to the base station which then provides the cellular unit with its operation setting. As such, Valentine fails to disclose a situation where the operation setting does not exist both in the terminal or the management center. Valentine's mobile unit always receives or has instructions on how to operate. There is never a time when the mobile unit must return to a default setting. As such, Applicant's respectfully submit that claim 1 is allowable over the Valentine reference.

With respect to claim 2, claim 2 was amended in response to the previous Office Action to include that "when said operation setting does not exist both in said mobile communication terminal and said management center, said operation setting is returned to a normal setting (initial setting) of said mobile communication terminal."

As discussed above, Valentine, never has a situation in which both the mobile communication terminal and the management center lacks an operation setting. In Valentine, the first embodiment discloses storing the operation setting on the telephone or being able to download them from a telephone network. Likewise, in the second embodiment, a database is accessed which contains information regarding the allowability of operation of cellular telephones in various geographical locations. Based on this information, the base station transmits either an authorization signal allowing operation or a signal denying operation. However, at no time does Valentine disclose a situation where neither the telephone nor the network has an operational setting such that the telephone returns to a normal (initial) setting.

Claims 3-7 depend either directly or indirectly from, and contain all the limitations of claim 2. These dependent claims also recite additional limitations which,

in combination with the limitations of claim 2, are neither disclosed nor suggested by Valentine and are also believed to be directed towards the patentable subject matter. Thus, claims 3-7 should also be allowed.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By

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